

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TERRY L. LEADON, JR.,

Plaintiff,

V.

BRYAN COLLIER, et al.,

Defendants.

Case No. 6:19-cv-364-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Terry Leadon filed this pro se civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

Before the Court is Defendant Fawas Lambo's motion for summary judgment (Docket No. 63). Plaintiff did not respond to the motion. After review of the pleadings and the summary judgment evidence, Judge Mitchell issued a Report on January 5, 2022, recommending that the Court grant Defendant Lambo's summary judgment motion and dismiss the claims against Defendant Lambo with prejudice. Plaintiff received a copy of the Report on January 10, 2022, but no objections have been received. Docket No. 66.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court

examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 65) as the findings of this Court. It is therefore **ORDERED** that Defendant Lambo's motion for summary judgment is **GRANTED** and Plaintiff's claims against Defendant Lambo are **DISMISSED** with prejudice.

Also before the Court is Defendant Lambo's motion to seal the summary judgment motion (Docket No. 62). Based on the potentially sensitive information included in the motion and attachments, the Court **GRANTS** the motion. Defendant Lambo's summary judgment motion (Docket No. 63) shall remain under seal unless otherwise ordered by the Court.

So **ORDERED** and **SIGNED** this **12th** day of **February, 2022**.

A handwritten signature in black ink, reading "Jeremy D. Kernodle", written over a horizontal line.

JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE